

REMARKS

In an Office Action dated May 6, 2003, (paper no. 10) the Examiner rejected claims 7-9, 11, 14-16, and 18 under 35 U.S.C. §102(e) as being anticipated by Harris (U.S. patent no. 5,946,373) and rejected claims 12 and 19 as being unpatentable over Harris in view of Dowden et al. (U.S. patent no. 5,923,247). The Examiner objected to claims 10, 13, 17, and 20 as being dependent upon a rejected base claim but as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner allowed claims 1-6. The rejections and objections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 7-9, 11, 14-16, and 18 under 35 U.S.C. §102(e) as being anticipated by Harris. Specifically, with respect to claims 7 and 14, the Examiner stated that Harris teaches a method and an apparatus for reducing a number of event notifications sent to an Operations and Maintenance Center (OMC) (100) by a network element (107). The applicants respectfully disagree with the Examiner's interpretation of Harris. Harris teaches a central Fault Management System (FMS) (element 101 of FIG. 1) that receives raw data from one or more upstream network elements. Those who are of ordinary skill in the art would recognize the FMS of Harris to be an OMC. The FMS then processes the raw data received from the upstream network elements and determines whether one or more upstream network elements are performing unacceptably.

A problem with the FMS (101) taught by Harris is that when the events generating the raw data are recurring, the determination of an event is recurring and frequent, and/or events are widespread among the one or more upstream network elements (107) serviced by the FMS, the communication links between the FMS and the one or more upstream network elements can become clogged or the FMS can itself become overwhelmed with raw data, thereby hindering the performance by the FMS of its system management functions.

Claims 7 and 14 directly address this problem by providing a method and an apparatus for reducing the number of event notifications sent to an OMC (such as the FMS of Harris) by a network element serviced by the OMC. Therefore, not only does

Harris not teach the limitations of claim 1, but in fact Harris teaches away from claims 7 and 14 since the teachings of Harris give rise to the problems that are solved by the teachings of claims 7 and 14. Therefore, the limitations of claims 7 and 14 are not taught or suggested by Harris. Accordingly, the applicants respectfully request that claims 7 and 14 may now be passed to allowance.

Since claims 8-13 depend upon allowable claim 7 and claims 15-20 depend upon allowable claim 14, the applicants respectfully request that claims 8-13 and 15-20 may now be passed to allowance.

As the applicants have overcome all substantive rejections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Furthermore, please charge any additional fees (including extension of time fees), if any are due, or credit overpayment to Deposit Account No. 50-2117.

Respectfully submitted,
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